

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH PERRONE,

Plaintiff,

-v-

No. 19 CV 5171-LTS-OTW

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Ona T. Wang's November 18, 2020, Report and Recommendation (the "Report") (docket entry no. 24) which recommends that the Court grant Plaintiff's motion for judgment on the pleadings, deny Defendant's cross motion for judgment on the pleadings, and remand the matter to the Commissioner pursuant to 42 U.S.C. section 405(g) for further proceedings. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]." 28 U.S.C.A. § 636(b)(1)(C) (Westlaw through Pub. Law 117-12). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00-CIV-8117 (WK) (RLE), 2003 WL 21433443, at *1 (S.D.N.Y. June 16, 2003).

The Court has reviewed carefully Magistrate Judge Wang's thorough and well-reasoned Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, the April 1, 2019, decision of

the Commissioner is reversed, and the matter is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. section 405(g) for further proceedings consistent with the Report. This Order resolves docket entry numbers 15 and 19. The Clerk of Court is requested to enter judgment accordingly.

SO ORDERED.

Dated: New York, New York
May 14, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge